



**MINUTES  
CITY OF SCOTTSDALE  
CHARTER REVIEW TASK FORCE**

**MONDAY, MARCH 15, 2010**

**CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, ARIZONA 85351**

**PRESENT:** Steven J. Twist, Chair  
Susan Bitter Smith  
Jim Derouin  
Cindi Eberhardt  
Lisa Johnson Stone  
Alan Kaufman  
Charlie Smith

**STAFF:** Carolyn Jagger, City Clerk  
Sherry Scott, Deputy City Attorney  
Brent Stockwell, Senior Advisor

**Call to Order/Roll Call**

Chairman Twist called the Charter Review Task Force regular meeting to order at 5:00 p.m. Roll call confirmed the presence of Task Force members as noted.

**1. Approval of Minutes from the February 22, 2010 Meeting**

**MOTION AND VOTE**

**CINDI EBERHARDT MOVED APPROVAL OF THE FEBRUARY 22, 2010 CHARTER REVIEW TASK FORCE MINUTES. CHARLIE SMITH SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).**

**2. Public Comment**

Ray Torres, Orange Coalition, discussed changes to Article I, Section 3 approved by the Task Force, and the positive implications of the revision. He talked about Item O, and stated the objective is to minimize the City's ability to abuse eminent domain powers.

**3. Discussion regarding outcome of March 9, 2010 election on City Charter amendments.**

Susan Bitter Smith said the Task Force should spend some time prioritizing the items to place at the top of the next ballot in order to eliminate confusion.

**4. Discussion and review of Task Force recommendations to date to determine whether additional changes to the City Charter are recommended, including, but not limited to considering additional changes to the following sections:**

Deputy City Attorney Sherry Scott reviewed some practical and implementation issues the City wanted the Task Force to consider when discussing this item. She noted that Prop. 207 states that if the City passes a land use regulation that lowers the fair market value of a property after it is purchased, the owner can make a claim against the City and ask that the regulation be removed from their property, or that they be paid to compensate for the lower property value. The City does not require a Prop. 207 waiver before processing applications, but does request them for land use applications that an owner is requesting. There is some concern that if the ability to get a Prop. 207 waiver is taken away, there may be reluctance on behalf of the City to grant land use applications that could later result in a Prop. 207 claim. Stipulation requests by citizens and neighborhoods could also be affected. Ms. Scott stated she would prefer to avoid referencing Prop. 207 in the Charter language.

The Task Force discussed possible language revisions and their implications with staff.

**a. Article 1, Section 3, Subsection O relating to prohibiting requesting or receiving waivers of claims for diminution of value**

**SUSAN BITTER SMITH MOVED THAT THE TASK FORCE RECOMMEND THAT ARTICLE 1, SECTION 3, BE AMENDED TO ADD A NEW SECTION O WHICH STATES "THE CITY SHALL NOT REQUIRE OR PLACE UNDER DURESS ANY PROPERTY OWNER TO WAIVE ANY CONSTITUTIONAL OR STATUTORY RIGHT TO MAKE A CLAIM FOR DIMINUTION IN FAIR MARKET VALUE OF THE OWNER'S PROPERTY, BUT SUCH A WAIVER MAY BE FREELY, KNOWINGLY AND VOLUNTARILY GIVEN." LISA JOHNSON STONE SECONDED THE MOTION, WHICH PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).**

The Task Force clarified that this language would replace the previously approved Task Force language for this section.

**b. Review of all other recommendations**

Jim Derouin discussed the matrix prepared by Brent Stockwell, noting there are 38 proposals to send to the City Council for consideration. Twenty-three are characterized as "clarifying existing practice," and approximately eight of those have to do with charter officers. Some of the 15 remaining items deal with the following issues:

- Condemnation
- Prop. 207 waiver
- Subsidies
- Petition process
- Districting

- Arizona Corporation Commission and the use of condemnation powers to acquire a private utility
- Appointment of judges

One option would be to bundle together all non-controversial items labeled as clarifying existing practices, informing Council that they are housekeeping issues and would clarify the Charter. Another option would be not to send them to the Council at all, since they have no real effect on how the City operates.

Chair Twist stated that if the Charter is read literally, the ability to appoint or remove employees in charter officer positions is an authority granted to the City Manager. The amendment in 8(d) would change the Charter, while at the same time conforming it to currently accepted practice. It is a substantive change to the Charter, insofar as the authority of the City Manager is concerned.

Brent Stockwell explained Amendment 8(d) would clarify the Charter in the case of a conflict between charter officers and the City Manager.

Chair Twist said the condemnation, Prop. 207, subsidy, petitioning process, charter officer, and court issues could be a starting point.

Susan Bitter Smith agreed that creating prioritized categories for the Council to consider would help simplify the process.

The Task Force discussed prioritizing all items into tiers, and Chair Twist proposed that Tier 1 include Items 1, 2, 3, 5, and 11; Tier 2 would include all items related to charter officers and the court; Tier 3 would consist of everything else.

Brent Stockwell indicated staff feels it would be very helpful to have the voters clarify Item 12, which would allow the Council to act by motion. In addition, Item 14, a companion piece to the issue the voters approved last week that would expand the publication of public notices beyond newspapers if authorized by law, should be clarified as well.

He noted there were many items that the Task Force voted on that did not make it on the list, and suggested a Tier 4 be added for those issues.

The Task Force agreed that they would discuss the four tiers in more detail at the next meeting, and create ballot groupings to recommend to the Council.

## **5. Discussion regarding Task Force recommendations and final report to the City Council.**

Item 5 was discussed in conjunction with Item 4(b).

## **6. Set date for next Task Force meeting and discuss upcoming meeting schedule.**

The Task Force members agreed to reconvene on April 5, 2010, and tentatively set another meeting for April 19, 2010.

## **Adjournment**

With no further business to discuss, the meeting adjourned at 6:56 p.m.

Respectfully submitted,  
A/V Tronics, Inc. DBA AVTranz.

Reviewed by  
Brent Stockwell, Senior Advisor

Officially approved by the Charter Review Task Force on Monday, April 5, 2010.